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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,464	06/22/2006	Wolfgang Lortz	292629US0X PCT	3309
22850	7590	01/07/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WANG, CHUN CHENG	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			01/07/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/584,464	LORTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chun-Cheng Wang	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to the Amendment filed on 09/30/2008. Claims 1- 8 have been cancelled and claims 9 -16 are now pending.

#### ***Claim Objections***

2. Claims 9-16 are objected to because of the following informalities: Change claim 9 “wherein the predispersion **can be** fed onto a common collision point and the dispersion can leave the grinding chamber” to “wherein the predispersion **is** fed onto a common collision point and the dispersion **leaves** the grinding chamber”. Appropriate correction is required.

#### ***Allowable Subject Matter***

3. Claims 9 -16 are allowable.

4. The following is a statement of reasons for the indication of allowable subject matter:

The present claims are allowable over the closest references: Ito et al. (GB 2063695), Serafin (US 5927852) and Lortz et al. (US 6991190 B2).

Ito et al. disclose two or more flows are jetted through a plurality of nozzles to the same spot (page 1, lines 72-73) inside the dispersion apparatus of the inner wall is not worn out (page 1 lines 78-79) and then the dispersion is guided and flows to the outlet orifice (page 1, lines 99-102). However, Ito et al. failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

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Serafin discloses apparatus including a high pressure pump and a series of mixing zones (column 1 lines 56-58). The preferred apparatus and method comprises impinging pressurized streams up each other (column 2, lines 23-24). The individual impingement chamber assemblies includes an input manifold in which the process stream is split into two or more individual streams, an output manifold which contains the impingement chamber in which the individual streams are recombined, and a passage directing the individual streams into the impingement chamber. The exit streams can each lead to an individual orifice (or nozzle) in the next impingement chamber (column 2, lines 25-31, 50-52). However, Serafin failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

Lortz et al. '1190 disclose preliminary dispersion was ground using a high-pressure homogenizer but with a three-jet chamber instead of the twin-jet chamber incorporated. The three-jet chamber divided the preliminary dispersion under high pressure into three substreams, which were each released through a diamond nozzle having a diameter of 0.25 mm. The three jets of the dispersion at a very high speed met at a collision point and the dispersing/grinding effect aimed at was thus attained (column 5, lines 9-22). However, Lortz et al. '1190 failed to teach or fairly suggest the claimed device, in particular, the device comprises predispersion fed onto a common collision point and the dispersion leaves the grinding chamber through an opening in the reactor housing wherein the collision point in the device is surrounded by balls.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun-Cheng Wang whose telephone number is (571)270-5459. The examiner can normally be reached on Monday to Friday w/alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/  
Primary Examiner, Art Unit 1796

Chun-Cheng Wang  
Examiner, Art Unit 1796

/CCW/